IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 220 /2004

PETITIONER : 1. Padmavathi, D/o Saheb Lal Mishra, aged 45 years,

2. Vinod Kumar, S/o Chhotelal Tiwari, aged 27 years,

3. Mayawati, W/o Vinod Kumar, aged 25 years,

All the R/o Village-Bhainsamuda, Tahsil-Navagarh, District Durg (C.G.)

-VERSUS-

RESPONDENTS : 1. Sharad Joshi, S/o Madhav Joshi, aged 34 years, Occupation-Business, Village & Post Khandsara, Tahsil-Bemetara, District Durg (C.G.)

2. Smt. Madhulika Mangrulkar, W/o Rajeev Mangrulkar, aged 37 years, Occupation-Housewife, R/o 11 New Panchsheel Nagar, Raipur (C.G.)

3. Smt. Manjulika Kothalkar, W/o Shashikant Kothalkar, aged 32 years, Occupation-Housewife, R/o Village Newanagar.

4. Branch Manager, State Bank of India, Branch Nawagarh, Tahsil Nawagarh, District Durg (C.G.)

5. Branch Manager, Durg-Rajnandgaon Gramin Bank, Branch Nawagarh, Tahsil Nawagarh, District Durg (C.G.)

P. R. No. 216/04
Presented by Shri S. K. Gupta
dated 2.11.04

Rec'd

4/11/04

WRIT UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 220/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

23.02.2004

Shri Rajeev Shrivastava, counsel for the petitioners.

Application (I.A.No.582/2004) for urgent hearing is allowed.

Heard.

This petition is filed under Article 227 of the Constitution of India against the order dated 22.12.2003 passed by the Trial Court, whereby the application filed under Order 18 Rule 1 C.P.C. has been allowed. It is submitted that the order passed relating to Order 13 Rule 2 is not challenged as review has been filed.

A perusal of the impugned order shows that the Trial Court directed the defendant to lead the evidence in view of the admission made by the petitioners in their written statement regarding the relationship.

Having considered the facts and circumstances of the case and material on record and in view of the judgment of the Supreme Court reported in (2003) 6 SCC 675 (**Surya Dev Rai Vs. Ram Chander and Others**), no case for interference in the impugned order in exercise of extraordinary jurisdiction under Article 226/227 of Constitution of India is made out.

The petition fails and is dismissed.

Consequently, M.W.P.No.193/2004 also stands disposed of.

Sd/-
Fakhruddin
Judge

Pathak